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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,348

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Mark Beckmann

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BAKER BOTTS L.L.P.

PATENT DEPARTMENT

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AUSTIN, TX 78701-4039

EXAMINER

MILLER, BRANDON J

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,348	<b>Applicant(s)</b> BECKMANN ET AL.	
	<b>Examiner</b> BRANDON J. MILLER	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment/Remarks***

***Disposition of Claims***

- I. Claims 11-20 are pending in the application.

***Claim Rejections - 35 USC § 112***

- II. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11, 19, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites "a group message" in lines 7 and "a group message" in line 10. The language used to describe the group messages in lines 7 and 10 does not clearly state whether the group messages in line 7 and 10 are the same group messages or whether the group messages in line 7 and 10 are different group messages. The limitations render the claim indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites "wherein the first indicator is assigned to the at least one group" in line 11. This limitation does not adequately describe where the first indicator is assigned. The claim earlier recites a plurality of group messages and at least one group of communication devices in at least lines 2-3. The language in lines 2-3 makes a determination of which group the claimed "at least one group" refers to unclear.

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Claim 19 recites "a group message" in lines 7 and "a group message" in line 10. The language used to describe the group messages in lines 7 and 10 does not clearly state whether the group messages in line 7 and 10 are the same group messages or whether the group messages in line 7 and 10 are different group messages. The limitations render the claim indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites "wherein the first indicator is assigned to the at least one group" in lines 11-12. This limitation does not adequately describe where the first indicator is assigned. The claim earlier recites a plurality of group messages and at least one group of communication devices in at least lines 2-3. The language in lines 2-3 makes a determination of which group the claimed "at least one group" refers to unclear.

Claim 20 recites "at least one group message which is transmitted to at least one group of at least one radio communication device" in lines 2-3. This limitation does not adequately describe the at least one group because "at least one radio communication device" does not constitute a group.

The following art rejection is based on the best possible interpretation of the claim language in light of the rejections under 35 U.S.C. 112, second paragraph.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

III. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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IV. Claims 11-13 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Lieshout et al. (US 2001/0036823 A1) in view of Shin et al. (US 2004/0209638 A1).

Regarding claim 11 Van Lieshout teaches a method for transmitting a plurality of group messages to at least one group of radio communication device in at least one radio cell of a radio communication network operating according to a universal mobile telecommunication system standard (see paragraph [0004], [0028], [0031]). Van Lieshout teaches assigning each group message to a respectively dedicated shared transport channel (see paragraph [0031]). Van Lieshout teaches transmitting at least one linked set of data of a group message during at least one time interval from at least one dedicated shared transport channel (see paragraphs [0031] & [0032]). Van Lieshout teaches determining permitted data sets of a group message with a flag which is identifiable via a first indicator, wherein the first indicator is assigned to at least one group during a time interval (see paragraph [0031], numerals read on indicator). Van Lieshout does not specifically teach transmitting data of a group message from the dedicated shared transport channel to a coded composite transport multiplex channel. Shin teaches transmitting data from a dedicated shared transport channel to a coded composite transport multiplex channel (see col. 4, lines 33-35 and col. 5, lines 28-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Van Lieshout adapt to include transmitting data of the group message from the dedicated shared transport channel to a coded composite transport multiplex channel because such a connection between transport channel and physical channel would allow for the information to be received by terminals.

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Regarding claim 12 Van Lieshout teaches storing at least one item of assignment information, organized in table form, for the assignment of the first indicator to at least one group (see paragraph [0034]).

Regarding claim 13 Van Lieshout and Shin teach a device as recited in claim 11 except for storing at least one item of assignment information, organized in list form, for the assignment of the first indicator to at least one group. Van Lieshout does teach storing at least one item of assignment information, organized in table form, for the assignment of the first indicator to at least one group (see paragraph [0069]). It would have been obvious to one of ordinary skill in the art to make the device adapt to include storing assignment information in list form because the method of organization is a design choice and mobile radio systems as taught in both references commonly include information stored in list form.

Regarding claim 18 Van Lieshout teaches transmitting allocation of a transmission time and parameters of the at least one group message to a specific group via a CCH common channel assigned to the at least one dedicated shared transport channel (see paragraph [0028]).

Regarding claim 19 Van Lieshout teaches a controller for transmitting a plurality of group messages to at least one group of radio communication device in at least one radio cell of a radio communication network operating according to a universal mobile telecommunication system standard (see paragraph [0004], [0028], [0031]). Van Lieshout teaches assigning each group message to a respectively dedicated shared transport channel (see paragraph [0031]). Van Lieshout teaches transmitting at least one linked set of data of a group message during at least one time interval from at least one dedicated shared transport channel (see paragraphs [0031] & [0032]). Van Lieshout teaches determining permitted data sets of a group message with a flag

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which is identifiable via a first indicator, wherein the first indicator is assigned to at least one group during a time interval (see paragraph [0031], numerals read on indicator). Van Lieshout does not specifically teach transmitting data of a group message from the dedicated shared transport channel to a coded composite transport multiplex channel. Shin teaches transmitting data from a dedicated shared transport channel to a coded composite transport multiplex channel (see col. 4, lines 33-35 and col. 5, lines 28-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Van Lieshout adapt to include transmitting data of the group message from the dedicated shared transport channel to a coded composite transport multiplex channel because such a connection between transport channel and physical channel would allow for the information to be received by terminals.

Regarding claim 20 Van Lieshout teaches a radio communication device for receiving at least one group message which is transmitted to at least one group of at least one radio communication device in at least one radio cell of a radio communication network operating according to a universal mobile telecommunication system standard (see paragraph [0004], [0028], [0031]). Van Lieshout teaches assigning each group message to a respectively dedicated shared transport channel (see paragraph [0031]). Van Lieshout teaches receiving the at least one group message based on a transmission of at least one linked set of data during at least one time interval from at least one dedicated shared transport channel (see paragraphs [0031] & [0032]). Van Lieshout teaches wherein permitted data sets of a group message with a flag which is identifiable via a first indicator, wherein the first indicator is assigned to at least one group during a time interval (see paragraph [0031], numerals read on indicator). Van Lieshout does not specifically teach transmitting data of a group message from the dedicated shared transport



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channel to a coded composite transport multiplex channel. Shin teaches transmitting data from a dedicated shared transport channel to a coded composite transport multiplex channel (see col. 4, lines 33-35 and col. 5, lines 28-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Van Lieshout adapt to include transmitting data of the group message from the dedicated shared transport channel to a coded composite transport multiplex channel because such a connection between transport channel and physical channel would allow for the information to be received by terminals.

V. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Lieshout et al. (US 2001/0036823 A1) in view of Shin et al. (US 2004/0209638 A1) and Anderson (US 2004/0043783 A1).

Regarding claim 14 Van Lieshout and Shin teach a device as recited in claim 11 except for wherein assignment information for the assignment of the first indicator is configured such that the flag may be determined from the assignment information for the at least one radio communication device assigned to the at least one group according to a first algorithm. Anderson teaches assigning all radio communication devices of a first region to a first group (see FIG. 3). Anderson teaches a selection algorithm (see paragraph [0169]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include assigning according to an algorithm because it would allow for the indicators to be more efficiently assigned.

Regarding claim 15 Van Lieshout and Shin teach a device as recited in claim 14 except for wherein radio communication devices that are not part of the at least one group pause during

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the time interval according to a first algorithm. Anderson teaches radio communication devices assigned to a group (see FIG. 3). Anderson teaches radio communication devices that pause during a time interval (see paragraph [0145]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include wherein radio communication devices that are not part of the at least one group pause during the time interval according to a first algorithm because it would allow for improved saving of system resources (see Shin, paragraph [0008]).

Regarding claim 16 Van Lieshout and Shin a device as recited in claim 11 except for assigning all radio communication devices of a first region to a first group, wherein the at least one group message is sent to the radio communication devices assigned to at least the first group in the form of a broadcast message. Shin does teach wherein the at least one group message is sent to the radio communication devices in the form of a broadcast message (see col. 4, lines 51-54). Anderson teaches assigning all radio communication devices of a first region to a first group (see FIG. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include assigning all radio communication devices of a first region to a first group as taught in Anderson because such assignment is common and well known in the communications system of Shin.

VI. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Lieshout et al. (US 2001/0036823 A1) in view of Shin et al. (US 2004/0209638 A1) and Parmar et al. (US 6,725,039 B1).

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Regarding claim 17 Van Lieshout and Shin teach a device as recited in claim 11 except for registering radio communication devices with at least one group, wherein the at least one group message is sent to all radio communication devices of a respective group in a form of a multicast message. Parmer teaches registering radio communication devices with at least one group, wherein the at least one group message is sent to all radio communication devices of a respective group in a form of a multicast message (see col. 7, lines 25-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include registering communication devices as taught in Parmar because such registration is common and well known in the communications system of Shin.

### ***Response to Arguments***

VII. Applicant's arguments with respect to claims 11-20 have been considered but are moot in view of the new ground(s) of rejection.

VIII. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

IX. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shiu et al. Patent No.: US 7,187,708 B1 discloses a data buffer structure for physical and transport channels in a CDMA system.

Das et al. Pub. No.: US 2003/0189918 A1 discloses shared signaling for multiple user equipment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON J. MILLER whose telephone number is (571)272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

December 22, 2008

/Brandon J Miller/  
Examiner, Art Unit 2617